

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION**

OCTAVIO PARRA,	:	
	:	
Petitioner	:	
	:	
VS.	:	
	:	
Warden STEVE ROBERTS,	:	NO. 3:09-cv-64 (CDL)
	:	
Respondent	:	<u>ORDER</u>

Before the Court is petitioner **OCTAVIO PARRA’S** notice of appeal, construed as a motion for a Certificate of Appealability (“COA”), from the Court’s order that petitioner’s 28 U.S.C. § 2254 motion be denied. Under section 2253(c)(2), a COA may issue only if the applicant makes “a substantial showing of the denial of a constitutional right.” This requires a petitioner to demonstrate that “reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *See also Slack v. McDaniel*, 529 U.S. 473, 478 (2000).

For the reasons stated in Magistrate Judge Claude W. Hicks’s October 27, 2009 recommendation and this Court’s December 4, 2009 order accepting the same, the Court concludes reasonable jurists could not find that a dismissal of petitioner’s claims was debatable or wrong. Accordingly, it is hereby **ORDERED** that petitioner’s application for a COA be **DENIED**.

SO ORDERED, this 28th day of December, 2009.

S/Clay D. Land

CLAY D. LAND
UNITED STATES DISTRICT JUDGE